

CALIFORNIA STATE LANDS COMMISSION

Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact FAX: (916) 574-1885

August 17, 2009

RECEIVED BY
Office of the Secretary

AUG 19 2009

RESOURCES AGENCY OF CALIFORNIA

Christopher Calfee, Special Counsel
Attn: CEQA Guidelines
California Resources Agency
1017 L Street, #2223
Sacramento, CA 95814

**Subject: The California Natural Resources Agency Proposed CEQA Guidelines
Amendments**

Dear Mr. Calfee:

The California State Lands Commission (CSLC) has jurisdiction and authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The CSLC has an oversight responsibility for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code section 6301). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc., are subject to the Public Trust.

The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce, navigation, fisheries, open space, recreation, or other recognized Public Trust purposes. A lease from the CSLC is required for any portion of a project extending onto state-owned sovereign lands, which are under its exclusive jurisdiction.

As such, these leasing actions are discretionary and subject to review in accordance with the California Environmental Quality Act (CEQA). Depending on the project, the CSLC may act as either a Lead or Responsible agency. As a result of this responsibility, the CSLC has been keenly aware of the need to address the effects of green house gas (GHG) emissions on the environment.

We offer the following comments on the proposed revisions to the CEQA Guidelines. These comments reflect the situations we have experienced when reviewing GHG analyses when included in CEQA documents.

✓

1. We are uncomfortable with the lack of numerical thresholds for making significance determinations and believe that will result in a continuation of inconsistent significance determinations throughout the state. This is particularly problematic when we act as a responsible agency and must use an environmental document prepared by another agency.
2. In Appendix F, I. Introduction (3) it is stated: "A lead agency may consider the extent to which an energy source serving the project has already undergone environmental review that adequately analyzed and mitigated the effects of energy production." In using the word "consider" does that mean that the document prepared for the project can require additional mitigation for the power usage (at the discretion of the lead agency)? How is the standard for "adequate" established? Is this intended to be the new "significant"?
3. It is not clear how GHG emissions relate to the CEQA Exemptions. Again, a numeric threshold would provide clear direction regarding when CEQA Guidelines section 15300.2(b) applies.
4. Guidance should also be included to address climate change effects such as sea level rise, increased flooding, increased coastal erosion, changes in water supply, etc. that are predicted to occur as a result of GHG emissions. In accordance with CEQA Guidelines sections 15144 and 15145, potential climate change effects are cumulative impacts and should be based on information that is reasonably available.

Thank you for providing us with an opportunity to comment on the proposed revisions. Please contact me or members of my staff, Steve Mindt at 916.574.1497 (mindts@slc.ca.gov) or Crystal Spurr at 916.574.0748 (spurrc@slc.ca.gov), if you have any questions.

Sincerely,



Marina R. Brand, Assistant Chief
Division of Environmental Planning
and Management

cc: Paul Thayer, Executive Officer, CSLC
Kim Lunetta